

## REMARKS

### I. Introduction

In response to the Office Action dated September 27, 2010, claims 8-14 have been withdrawn, and claim 1 has been amended. Claims 1-7 remain in the application. Re-examination and re-consideration of the application, as amended, is respectfully requested.

### II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. Unless otherwise indicated, these amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

### III. Interview Summary

On February 8, 2011, a telephone interview was held between the Examiner and Anthony J. Orler.

Applicants, Applicants' undersigned representative, and Mr. Orler thank the Examiner for the personal and professional courtesies extended during the interview. Claim 1, and the NTN reference, were discussed.

### IV. Non-Art Rejections

On page (2) of the Office Action, claims 1 and 8 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicants have amended the claims to render the rejection moot.

### V. Prior Art Rejections

On pages (3)-(8) of the Office Action, claims 1, 2, 8, 12 and 13 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN Communications Inc 10-K SEC Filing of March 6, 2002 (NTN), Junkin, U.S. Patent 6,193,610 (Junkin) and Allen, U.S. Publication 2002/0119824 (Allen).

On pages (8)-(9) of the Office Action, claims 3 and 14 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN, Junkin, Allen and Crockett, U.S. Publication 2004/0039631 (Crockett).

On pages (9)-(11) of the Office Action, claims 4-7 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN, Junkin, Allen and Walker, U.S. Patent 5,779,549 (Walker).

On pages (11)-(14) of the Office Action, claims 9-11 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN, Junkin, Allen, Walker and Weitz, U.S. Publication 2003/0171148 (Weitz).

#### The NTN Reference

The NTN reference describes a system that develops and produces original programming and distributes game programming. The NTN system can provide up to 16 **live events** for interactive play, allowing distribution of different programs to customers in different geographical locations. See Page 4, first full paragraph.

The NTN network broadcasts a variety of sports and interactive trivia games. The games are **broadcast live, at specified times**, and during live sporting contests when the NTN game corresponds to the live sporting contest. See Page 2, last full paragraph-page 3, second full paragraph.

The NTN network also broadcasts 30 minute general interest trivia games that **start on the half-hour**. Further, the NTN network allocates 14 minutes each hour for advertising spots. See Page 3, third and sixth paragraphs. (Emphasis added).

#### The Junkin Reference

Junkin merely describes an interactive apparatus and method that allows participants to compete in an interactive game, such as a contest or sporting event, occurring in real time or as a taped broadcast of a real time event.

The Allen Reference

The ancillary Allen reference is cited as disclosing updates of answers in real-time and competitions between players.

The Ancillary Crockett, Walker, and Weitz References

Crockett and Walker are cited as teaching bonus scores, question databases, and update servers receiving and transmitting data, respectively.

The Claims Are Patentable Over The Cited References

The claims describe methods and systems for interactive gaming. A method of interactive gaming in accordance with one or more embodiments comprises transmitting a gaming application from a gaming system to a plurality of receivers via a first communications network, and storing the gaming application at the receiver, selecting a game from a plurality of games in the gaming system, wherein each game in the plurality of games is playable from a beginning of the selected game at the time of selection, the time of selection being after a time of transmission, initiating [[a]] the beginning of a game selected from the plurality of games from the gaming application at a time after a time of transmission of the gaming application, submitting a user identification, generating a plurality of questions for a skill level, initiating a question answer sequence, incrementing through the plurality of questions while progressing through the question answer sequence, incrementing the skill level upon completion of the question answer sequence for the plurality of questions, calculating a time based score component for each skill level, calculating a bonus score component for each skill level, summing the time based score component and the bonus score component in order to determine a total level score for each skill level, calculating a real time total user score associated with the results of the question answer sequence by summing the total level score for each skill level completed by the user, transmitting the real time total user score to the gaming system via a second communications network, and transmitting a ranking of the real time total user scores for each user via the first communications network.

The cited references do not teach or suggest the limitations of the claims. Specifically, the cited references do not teach or suggest at least the limitation of each game in the plurality of games being playable from a beginning of the selected game at the time of selection, the time of selection being after a time of transmission as recited in the claims.

#### Discussion

The NTN reference discloses live broadcast of trivia and sports-based games. To play such games from the beginning of each game, a viewer must select the channel where the NTN game is being broadcast at the time of transmission of the beginning of the game.

Applicant's invention does not contain this limitation. A viewer can play a game from the beginning at any time after the time of transmission; such "play the game whenever you want" feature is not taught or suggested in the NTN reference, or in any other reference cited. Instead, Applicant's invention allows a user to play a selected game from the beginning at the time of selection, where the time of selection is after a time of transmission. This sequence of events is not possible in NTN or any other cited reference, and thus the claims are patentable over the cited references for at least this reason.

The various elements of Applicants' claims together provide operational advantages over the systems disclosed in NTN, Junkin, Allen, Crockett, Walker and Weitz. In addition, Applicants' invention solves problems not recognized by NTN, Junkin, Allen, Crockett, Walker and Weitz. The amendments and arguments presented herein are supported by the specification as filed at least in paragraphs [0030], [0032], [0034], [0036], and [0037].

Thus, Applicants submit that independent claim 1 is allowable over NTN, Junkin, Allen, Crockett, Walker and Weitz. Further, dependent claims 2-7 are submitted to be allowable over NTN, Junkin, Allen, Crockett, Walker and Weitz in the same manner, because they are dependent on independent claim 1, and because they contain all the limitations of the independent claim. In addition, dependent claims 2-7 recite additional novel elements not shown by NTN, Junkin, Allen, Crockett, Walker and Weitz.

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

In addition, a petition for a two month extension of time under 37 C.F.R. §1.136(a) is necessary to maintain the pendency of this case. The Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge any deficiency in the fee as set forth in 37 C.F.R. §1.17(a) corresponding to the needed extension of time to Applicant's Deposit Account No. 50-0383.

Respectfully submitted,

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